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9 UNITED STATES DISTRICT COURT  
10 DISTRICT OF NEVADA  
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12 UNITED STATES OF AMERICA, ) 2:06-cr-00367-HDM-PAL  
13 Plaintiff, ) 2:13-cv-00631-HDM  
14 vs. ) ORDER  
15 ELLIOTT DAUGHERTY, )  
16 Defendant. )  
17

18 On April 12, 2013, defendant filed a motion for relief  
19 pursuant to 28 U.S.C. § 2255 (#80). The motion is defendant's  
20 fourth § 2255 petition, and the third filed since December 2012.  
21 Defendant's first § 2255 motion was denied by the court on March  
22 16, 2009. All subsequent motions have therefore been second or  
23 successive and as explained in its orders entered on December 17,  
24 2012, January 16, 2013, and March 28, 2013, absent a certificate  
25 from the Court of Appeals, the court lacks jurisdiction to consider  
26 them. Accordingly, and for the reasons explained in the prior  
27 orders of the court, defendant's fourth § 2255 petition (#80) is  
28 **DISMISSED.** Further, as defendant continues to file § 2255

1 petitions despite the court's repeated orders stating that it may  
2 not consider them, defendant may not file any further § 2255  
3 petitions in this action absent leave of court or a certificate  
4 from the Court of Appeals authorizing such.

5 **IT IS SO ORDERED.**

6 DATED: This 1st day of May, 2013.

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9 UNITED STATES DISTRICT JUDGE  
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